

### **REMARKS**

Claims 3-12 and 15-21 are pending in the present application. Claims 18-21 have been amended. Claims 18-21 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 3-12 and 15-21 stand rejected under 35 USC § 102(a) as being anticipated by U.S. Patent No. 6,330,534 to Yasunaga et al. (hereafter "Yasunaga"). This rejection is respectfully traversed.

Independent claims 18-21 recite encoding a target signal in a plurality of excitation modes, outputting coding distortions involved in the encoding, and comparing at least one coding distortion with a threshold value. It is respectfully submitted that Yasunaga fails to teach or suggest any such comparison.

In page 3 of the Office Action, the Examiner asserts that Yasunaga teaches comparing a coding distortion with a threshold value, citing col. 41, lines 34-67. However, the Examiner does not explain his interpretation of Yasunaga, or the claimed language, in support of this assertion. Thus, Applicants must analyze the cited passage without the aid of such explanation.

Applicants respectfully submit that a paragraph-by-paragraph analysis reveals that col. 41, lines 34-67, fails to disclose any comparison with a threshold value as asserted by the Examiner. Lines 34-46 teach that, in response to being connected to switch 213', random codebook A outputs a random code vector to synthesis filter 215 based on a particular combination of start positions of fixed waveforms. Lines 47-50 describe that a coding distortion is calculated using the output of the synthesis filter and a "target x" value. Lines 51-58 disclose that the above steps are repeated, so that multiple random code vectors are generated and multiple coding distortions are calculated. Finally, lines 59-67 teach that a determination is made as to which random code vector produces the minimum coding distortion, so that the optimal

combination of start positions can be sent to the transmitter as a speech code, along with a corresponding code vector gain and pitch gain. As such, there is no teaching or suggestion in the cited passage of comparing a coding distortion with a threshold value, as required by claims 18-21.

At least for the reasons given above, it is respectfully submitted that Yasunaga fails to disclose each and every claimed feature claims 18-21, as required for a § 102 rejection. Thus, Applicants submit that independent claims 18-21 are allowable, and claims 3-12 and 15-17 are allowable at least by virtue of their dependency on claims 18-20.

### ***Conclusion***

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.


Application No. 10/072,892  
Amendment due **April 30, 2006**  
Reply to Office Action of January 30, 2006

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
Michael R. Cammarata  
Registration No.: 39,491  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

MRC/JWR/bsh